



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 18, 2008

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Introduction Of Ordinance Temporarily Suspending Certain Hedge Regulations

### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City Of Santa Barbara Amending Santa Barbara Municipal Code Chapter 28.87 of Title 28, the City's Zoning Ordinance, In Order to Temporarily Suspend the Application of Certain Provisions of Section 28.87.170 Concerning the Height of Hedges In Required Setbacks and Along the Front Lot Line.

### **DISCUSSION:**

#### Background

For many years the Planning Division has identified Municipal Code §28.87.170 (Fences, Screens, Walls and Hedges), originally adopted in 1957, as needing review and possible revision. However, other work priorities have not allowed adequate time and resources to be dedicated to this effort.

Zoning enforcement staff investigates potential Municipal Code violations when complaints are received. Recent complaints regarding hedges have resulted in significant community discord, which prompted the City Council to direct staff on October 14, 2008, to prepare an ordinance temporarily suspending relevant sections of Municipal Code §28.87.170 pertaining to hedges. The Council's goal in doing this was to reduce neighborhood discord, enable adequate community outreach, and allow for a thorough discussion and review of a possible amendment to this section of the Municipal Code.

#### Proposed Suspension Ordinance

The proposed Ordinance would suspend for two years the application of Municipal Code §28.87.170.A and §28.87.170.B.1 to hedges. These sections currently limit the

height of fences, screens, walls, and hedges in the A, E, R, C-O, and C-X Zones to eight feet (8') in required setbacks, and three and one-half feet (3½') within ten feet of a front lot line.

Based on Council direction to maintain hedge height limitations related to public safety, Staff suggests that §28.87.170.B.2 would remain in effect, which limits fences, screens, walls, and hedges in most zones to a height of three and one-half feet (3½') within ten feet of either side of a driveway for a distance of twenty feet back from the front lot line. Section 28.87.170.C would also remain in effect, which limits the height of fences, screens, walls, and hedges in most zones to three and one-half feet (3½') within 50 feet of a street corner. Sections 28.87.170.D. through 28.87.170.H, which deal with how the height of a fence is measured, the use of barbed wire fences, fences, screens and hedges along alleyways, would also remain in effect.

#### Public Safety Considerations

By limiting the suspension to §28.87.170.A and §28.87.170.B.1 only, Staff would retain the ability to apply subparagraphs of §28.87.170 related to public safety. In cases involving hedges on street corners, Zoning enforcement staff would consult with Transportation staff and cause the reduction or removal of hedge material only to the extent necessary to eliminate a potential traffic safety hazard. The temporary suspension will not affect the ability of the Fire Department or Transportation Division to require reduction or removal of hedges for the purposes of public safety provided by other sections of the Municipal Code. Hedges, shrubs, and screening type vegetation will still be required to be properly maintained in designated High Fire Hazard Areas in accordance with Title 8 of the Municipal Code (the Uniform Fire Code.)

In addition, where proposed development projects have visibility constraints due to adjacent street traffic speed or volumes, or vision-impairing elements such as topography and street geometrics, conditions limiting the height of any type of vegetative or physical obstruction will continue to be imposed by the City Public Works Development Review Staff.

#### Effect on Development Projects and Enforcement Cases

The proposed Ordinance would temporarily suspend current regulations related to hedges located in required interior setbacks and within ten feet of a front lot line, provided they are located at least ten feet from either side of a driveway and not near a street corner. Unless they pose a fire hazard, or are regulated by means beyond the City's authority, hedges in these locations could grow to an unlimited height during this two-year suspension.

Application of §28.87.170 to fences, screens, and walls would not be affected by this temporary Ordinance, and would continue to be applied as it has in the past.

Additionally, depending on the project details, discretionary development applications could be subject to conditions of approval regarding hedge heights.

Zoning Staff has about 287 active or pending enforcement cases; 26 of those cases involve hedges. Approximately nine of these cases could be closed as a result of this proposed suspension; however, the majority would not be affected, as they involve hedges or screens located adjacent to driveways or near street corners. The applicability of this proposed suspension to future hedge-related complaints would be considered by Staff upon investigation of an alleged violation.

#### Next Steps

Amending Municipal Code §28.87.170 will require extensive community outreach and review by appropriate Boards and Commissions, as well as other City Departments including the Police Department, which also believes such regulations are important with regard to public safety. This task will be placed on the Planning Division's workload, and given the need to complete existing priority projects, we anticipate being able to begin work on this new project within six to eight months. In order to allow for a thorough discussion of issues related to such an amendment, Staff may require the full two year suspension period to return to City Council with a recommendation.

#### **BUDGET/FINANCIAL INFORMATION:**

A work program for how to consider possible changes to the ordinance has yet to be developed. Staff anticipates the use hourly staff funds and a certain amount of funding for outreach. At this point the Planning Division budget appears to have sufficient funds for this effort.

**PREPARED BY:** Renee Brooke, Senior Planner

**SUBMITTED BY:** Paul Casey, Community Development Director

**APPROVED BY:** City Administrator's Office